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Consumer protection

Report of the Secretary-General

SUMMARY

On 9 April 1985, in resolution 39/248, the General Assembly adopted by consensus the Guidelines for Consumer Protection, a document that provides an international framework for the development and evaluation of consumer policy. In the intervening 10 years, the Guidelines have often been cited by Governments as a valuable set of principles for consumer protection. The present report, prepared pursuant to Economic and Social Council resolution 1990/85, covers the activities set in motion by the Secretary-General under the mandated programme of action through 1995 on the implementation of the Guidelines. It demonstrates the impressive impact that the Guidelines have had on national, regional and international consumer work. It notes that requests for assistance, particularly by developing and emerging market economies, continue to grow.

There is a need to expand the Guidelines to cover sustainable consumption patterns and other emerging issues. It is suggested that member Governments may wish to consider, on the basis of progress already achieved, adopting the measures necessary to provide the required resources to carry out the programme activities envisaged. These include regional seminars on consumer protection, provision of advisory services, and the elaboration of targeted guidelines in emerging areas of concern.

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INTRODUCTION

1. On 9 April 1985 the General Assembly in resolution 39/248 adopted the Guidelines for Consumer Protection, a document that provides an international framework for the development and evaluation of consumer policy. Indeed, in the intervening 10 years, the Guidelines have often been cited by Governments as a valuable set of principles for consumer protection. Recognizing that the need for assistance in consumer protection, particularly in developing countries, was still great, the Economic and Social Council at its second regular session of 1990 adopted resolution 1990/85 on consumer protection. In so doing, it strengthened its earlier mandate (resolution 1988/61) for the implementation of the Guidelines for Consumer Protection. The Council urged all Governments to continue their efforts to implement the Guidelines and encouraged them to collaborate in joint efforts for the protection of consumers.

2. The Council also called for a programme of action to be developed through 1995 on the implementation of the Guidelines, under the leadership of the Secretary-General and in cooperation with the development funds and programmes of the United Nations, the regional commissions and other relevant bodies and agencies of the United Nations system. The programme was to involve specific activities such as regional seminars and follow-up, a survey of consumer protection measures undertaken within the framework of the Guidelines, the provision of advisory services to Governments, at their request, and the elaboration of targeted Guidelines in areas of emerging concern. This programme of action was to be implemented subject to the availability of extrabudgetary resources and to be reviewed in 1995, on the occasion of the tenth anniversary of the adoption of the Guidelines.

3. The Guidelines, which are contained in annex I, address the interests and needs of consumers world wide and recognize two principal concerns - namely, the imbalance that consumers face in economic terms, educational levels and bargaining power; and the importance of promoting just, equitable and sustainable economic and social development. The Guidelines provide a framework for Governments, particularly those of developing and newly independent countries, to use in elaborating and strengthening consumer protection policies and legislation. They are also aimed at encouraging international cooperation in this field.

4. The present report, prepared pursuant to Council resolution 1990/85, covers the activities set in motion by the Secretary-General and contains information on the impact the Guidelines have had on national, regional and international consumer work, undertaken by Governments, intergovernmental and non-governmental organizations. This finding underscores the positive moral force an international consensus can have in a specific sphere of activity.

5. In the following review, it is suggested that there is scope for the United Nations system to give greater focus to consumer protection, which is so important to the well-being of people. At the tenth anniversary of the adoption of the Guidelines, it is necessary not only to take stock of the impressive results achieved but also to look to the future role and scope of the Guidelines.

I. IMPLEMENTATION OF ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/85

6. Although in resolution 1990/85 the Economic and Social Council underscores the importance member Governments assign to the implementation of the Guidelines for Consumer Protection and the need for assistance in this regard, the extent to which the Secretary-General has been able thus far to undertake the activities called for in the programme of action has been constrained by the limitation of extrabudgetary resources.

7. Two surveys have been undertaken of measures carried out by Governments in implementing the Guidelines, one in 1992 (see E/1992/48), and the other in connection with the preparation of the present report (see sect. A below). The Department for Policy Coordination and Sustainable Development has developed plans for forthcoming regional seminars on consumer protection in Africa and Eastern Europe. Proposals for the elaboration of specific Guidelines are contained in the discussion of areas of emerging concern (see II below).

8. The Guidelines are of continued importance and relevance in both developed and developing countries. In countries where governmental interest in consumer protection is relatively recent, they define essential issues to be dealt with. In countries where consumer law is more developed, they provide a checklist against which existing laws can be evaluated to see whether certain areas need strengthening and to help pinpoint any gaps that may exist.

9. In carrying out the activities mandated by the Council, the Secretary-General has enjoyed a particularly fruitful collaboration with Consumers International, a world-wide organization of more than 200 national, regional, umbrella and independent consumer groups in 80 countries. Through its regional offices in Europe, Asia and Latin America, Consumers International supports its members and encourages young groups in developing countries through information networks, seminars and workshops. World-wide attention is focused on this issue on 15 March each year through the celebration of World Consumer Rights Day. Significantly, in 1995 the theme was "Know your rights! Ten Years of the UN Guidelines for Consumer Protection."

10. Consumers International has supported the work of the United Nations in fulfilling its mandate on consumer protection. It has provided expertise to the regional seminars for Latin America and the Caribbean (1987) and Asia and the Pacific (1990) and will collaborate with the Department for Policy Coordination and Sustainable Development of the United Nations Secretariat in the convening of other regional seminars. Consumers International has also taken an active role in follow-up to the recommendations stemming from the seminars. These activities are covered below, under regional and international cooperation.

11. The Department also regularly participates in Consumers International's world congresses. During the 14th triennial World Congress, which was held in Montpellier in September 1994 and attended by over 500 world consumer leaders, 30 resolutions were adopted on substantive issues of concern to consumers, such as trade, the environment and sustainable consumption, debt and financial services, information and advertising, the protection of privacy, consumer

education, food, health and basic needs. The Congress also called for a United Nations-organized seminar on consumer protection for economies in transition.

A. Implementation of the Guidelines by Governments

12. The governmental role in consumer protection is vital and finds expression through policy-making, legislation and the development of institutional capacity for its enforcement. To provide a legal basis for enforcing basic consumer rights, every country needs to have an irreducible minimum of consumer protection legislation, covering physical safety, promotion and protection of consumers' economic interests, standards for the safety and quality of goods and services, distribution facilities, redress, and education and information programmes. Governments also require the necessary machinery to enforce such legislation.

13. The Guidelines encourage Governments to develop, strengthen or maintain a strong consumer protection policy. In so doing, each Government must set its own priorities for the protection of consumers in accordance with its economic and social circumstances and the needs of its population.

14. The Economic and Social Council, in its resolutions 1988/61 and 1990/85, urged all Governments to implement the Guidelines and encouraged Governments to collaborate, as appropriate, in joint efforts for the protection of consumers. In the 10 years since the Guidelines were adopted, there have been many actions taken by individual Governments in implementing those Guidelines. The regional seminars held by the United Nations for government policy makers and consumer representatives in Latin America and the Caribbean, and Asia and the Pacific emerged from requests by Governments in those regions for assistance in implementing the Guidelines. Similar requests have been received from Governments in Africa and in Eastern Europe.

15. Within the context of the programme of action through 1995, the Economic and Social Council requested that a survey of consumer protection measures undertaken by Governments be carried out. In December 1994, the Department for Policy Coordination and Sustainable Development sent out detailed questionnaires to all member Governments, designed not only to ascertain recent developments in consumer policy, but also to identify areas where Governments felt a need for assistance from the United Nations system as well as to suggest areas where the Guidelines might be extended (see annex II). Respondents were also requested to report on the actual utilization of the Guidelines in developing consumer policies and in setting up appropriate structures to carry out such policies.

16. To date, the Department has received replies from 27 Governments. While the number of responses clearly does not suffice for a full analysis of the status of the implementation of the Guidelines world wide, the information obtained does cover all regions and certain general observations can be made.

17. Governments of both developed and developing countries and of those in transition reported that the Guidelines continued to play an important role in their work. For example, the Government of Finland wrote that "the Guidelines have been of great importance in formulating national consumer policy and in

drafting a consumer policy programme in 1991". In Guatemala, the Ministry of the Economy initiated in 1994 a programme for consumer education based on the Guidelines. The Guidelines were used in preparing legislation such as the Consumer Protection Act (1986) of India and the Consumer Affairs Act (1994) of Malta. Other Governments, such as those of Morocco and the Slovak Republic, have recently prepared draft laws based on the Guidelines. Finally, some Governments, such as that of Turkey, are requesting assistance from the United Nations in finalizing the preparation of umbrella consumer protection laws. The Government of Sweden, among others, is committed to supporting "all efforts to make the Guidelines known in countries where consumer policy still is not very developed" and considers that the United Nations should "find ways and means to help countries which are underdeveloped as regards consumer protection by ... organizing conferences or seminars in regions where these countries are situated".

18. The United Nations system is being requested to help facilitate the implementation of the Guidelines in developing countries and in countries in transition which lack the necessary infrastructure, testing facilities and trained staff. Advisory services are required to set up government offices and establish testing laboratories. There are many requests for increased exchange of information among countries and for study visits in countries with more developed institutions and facilities.

19. The questionnaire replies indicate how central Governments consider the issue of consumer protection to be to the economic, social and environmental well-being of their citizens.

20. A number of respondents noted that new consumer policy problems are being posed by increasing globalization, technological developments, environmental issues and changes in financial markets. Several specific suggestions have been put forward. The Government of Australia considers that the Guidelines should be revised to include Guidelines for the Conduct of Global Business. Norway suggests that paragraph 8 of the Guidelines should be rephrased to contain a provision "that evaluation of health hazards based on documentation on the specific situation in a country - e.g., patterns of consumption, dietary patterns etc. - could necessitate national measures that should be accepted even if these measures are barriers to international trade". Antigua and Barbuda considers that the Guidelines should reflect the responsibilities of consumers to protect the environment. Malta recommends that the Guidelines should be amended to include the promotion of a "functional international network in the sphere of consumer protection". This network would be comprised of all designated national public authorities responsible for consumer affairs and would serve to tackle transboundary unfair practices, and exchange information about developments at a national level in consumer legislation. Such an activity would be similar to - though far broader - than that undertaken by the OECD International Marketing Supervision Network. India recommends that a United Nations specialized agency should be set up in the field of consumer protection.

B. Regional and international cooperation

21. The Guidelines place emphasis on international cooperation in the field of consumer policy. Indeed, consumer problems transcend national borders and transfrontier disputes require increasing international attention in their settlement. Cooperative activities can be of great value in enabling countries to draw on each other's experiences and avoid unnecessary duplication of efforts. Often, joint activities among Governments at the regional level, particularly with respect to testing and training and the exchange of consumer information and education programmes, lead to enhanced results.

22. The Guidelines recommend the development of cooperative measures in a regional or subregional context. The United Nations has organized, to date, two regional seminars in order to tap the great potential for developing and strengthening mechanisms on a regional basis for the sharing of experiences and pooling of resources for the more efficient use of technical research and training facilities.

23. Following the adoption of the Guidelines, the first seminar was held for the Latin American and Caribbean region from 9 to 11 March 1987 at Montevideo, Uruguay. It was attended by participants from 20 countries, and by observers from donor Governments, intergovernmental organizations and non-governmental organizations. The meeting was financed by the Governments of Norway and Spain and by UNDP.

24. Specific recommendations were adopted with regard to areas which were considered to be of priority for the region. It was decided to set up an informal communications network among the organizations of the region dedicated to consumer protection and to encourage the creation, development and use of national and international data banks. Consumers International developed a model law on consumer protection, based on the Guidelines and taking into account the Latin American and Caribbean legal experience. The model law, which is a dossier of existing laws and regulations in the region, has been used as a guide by a number of countries in their consideration of new legislation. In the intervening eight years, the Government of Brazil raised consumer protection to constitutional level and adopted a consumer protection law. The Governments of Honduras, Argentina, Ecuador, Costa Rica, Mexico and Peru have formulated consumer protection legislation, as has El Salvador, whose Peace Agreement contained a specific clause on consumer rights. Other countries, including Guatemala, Uruguay, Chile, Nicaragua, Honduras, Colombia and Bolivia are in the process of developing new laws. In addition, a significant number of Governments have established special departments and offices for consumer protection, consumer education, information and complaints handling.

25. Government officials and consumer representatives attended a regional meeting at the headquarters of the Economic and Social Commission for Latin America and the Caribbean (ECLAC) in Santiago in November 1990. At that meeting, which was co-organized by ECLAC, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and Consumers International, specific recommendations were adopted with respect to consumer access to basic goods and services, consumer education and mechanisms for the enforcement of legislation. There was a proposal at a follow-up meeting in December 1991,

submitted to the United Nations, for a second regional seminar on consumer protection to be held under United Nations auspices, in light of the success of the 1987 meeting and of the need for continued assistance to Governments of the region. For such an event to take place, it would be necessary to obtain the requisite resources.

26. In the decade that has passed since the adoption of the Guidelines, the Consumers International Regional Office for Latin America and the Caribbean reports that the Guidelines have served as a fundamental factor in the development and growth of the region's consumer organizations, increasing enormously their profile and ability to represent consumers. Because of the existence of the Guidelines, many organizations have been able to develop public campaigns and lobbying activities designed to press their Governments to improve the state of consumer protection in their countries. The results have far exceeded initial expectations by consumer organizations and have contributed greatly to the enhancement of democracy and living standards in the region. ECLAC has indicated that it looks forward to continuing its collaboration with Consumers International and is prepared to contribute further to the implementation of the Guidelines for Consumer Protection.

27. The United Nations Regional Seminar on Consumer Protection for Asia and the Pacific took place at the Economic and Social Commission for Asia and the Pacific (ESCAP) headquarters in Bangkok from 19 to 22 June 1990. The meeting was attended by participants from 19 countries and by experts and representatives of organizations of the United Nations system and non-governmental organizations. The meeting was financed by the Government of Australia and UNDP, with a small grant from the American Express Foundation.

28. The Economic and Social Council, in resolution 1990/85, noted with satisfaction the recommendations of the Seminar. Forty-five specific and action-oriented recommendations had been adopted. Those recommendations laid the groundwork for follow-up activities. At the seminar, the Government of Australia made a commitment of a three-year grant to Consumers International for follow-up work in the South Pacific. In February 1992, Consumers International held a subregional workshop in Samoa on consumer education and law for government officials where a model consumer protection law for the South Pacific based on the Guidelines was discussed and subsequently developed in 1992. There is a large-scale education programme in the subregion, which uses the Guidelines as both a reference and a teaching tool. Consumers International also held a training seminar in Hanoi in August 1990 at which participants from Viet Nam, Cambodia, the Lao People's Democratic Republic and Myanmar called for the speedy implementation of the Guidelines through their national legislation. At the 1990 Seminar, the Government of Japan stated its intention of following up on the recommendations at the regional level by holding a meeting on consumer policy for government officials. In 1993 Consumers International convened an Asian Seminar on Consumer Law in Kuala Lumpur, at which the value of the Guidelines was once again endorsed.

29. In recognition of the importance of the Guidelines in regional work, member Governments adopted a resolution at the ESCAP meeting in April 1992. The resolution called upon the Executive Secretary, in cooperation with non-governmental organizations and development funds and programmes of the

United Nations, and other relevant bodies and agencies in the United Nations system, to promote the implementation of the Guidelines for Consumer Protection, initiate specific activities to follow up on the recommendations of the 1990 Seminar and seek such extrabudgetary contributions as might be necessary for that purpose.

30. Consumers International reports that, over the past decade, the influence of the Guidelines in the region has been enormous. In India, the number of consumer groups has grown from 25 to several thousand. Consumers International now has members in China and Viet Nam, countries in which consumers are facing unparalleled changes.

31. The Asia and Pacific region is geographically, socially and economically diverse. While a number of Governments have well established consumer policies, and others - such as those of Malaysia, Pakistan, Thailand and Singapore - have recently developed national legislation, much work remains to be done to ensure full implementation of the Guidelines.

32. In Central and Eastern Europe and in the Commonwealth of Independent States, the transition from centrally planned to market-led models of economic management has involved much hardship for consumers, and for administrations themselves in the process of reform. The opening up of markets has brought in products of varying quality, including imported goods, and a flurry of unregulated services, especially financial services. Consumers often lack the basic information required to make informed choices.

33. Against this backdrop, the Guidelines have played an important role in providing a framework for Governments and consumer groups to build the structures, legal systems and policies that are appropriate to their own conditions.

34. Indeed, at a seminar organized by the Organisation for Economic Cooperation and Development (OECD) on consumer protection in market economies, held in Vienna from 21 to 23 April 1991, representatives from Central and Eastern Europe stated that they had been using the Guidelines to persuade their Governments to develop consumer policy. In some cases, such as Hungary, Czechoslovakia and the Union of Soviet Socialist Republics, legislation had been prepared that was consistent with the Guidelines.

35. Subsequently a regional consumer conference for consumer groups was held by Consumers International in October 1992 in Bled, with the participation of 100 consumer activists from 21 countries. The problems facing consumers in the transition period were discussed, with the Guidelines serving as both benchmark and unifying theme. The Conference called upon Governments in the region to introduce consumer protection legislation, develop education and information programmes, and support consumer groups. The declaration adopted by the conference stated that "the Guidelines for Consumer Protection have a vital role in achieving these objectives".

36. Consumers International reports that, in all their activities in the transition economies, "the Guidelines remain one of the few constant reference points in a region where virtually nothing else has remained stable. Quoted,

cited, relied upon and aspired to, they remain an invaluable ethical code and a force for positive change." Several Governments in the region have requested the United Nations to hold a seminar on consumer protection that would focus on addressing their specific needs.

37. In the region covered by the Economic and Social Commission for Western Asia, the Commission reports that although it had disseminated copies of the Guidelines to member Governments in 1990, no other actions were taken, owing to the special circumstances which ESCWA had been facing in the past several years. It indicates, however, that it is now prepared to collaborate in the convening of a regional seminar on consumer protection.

38. At the time of the adoption of the Guidelines for Consumer Protection, there were just six consumer organizations in four countries in Africa. Today, nearly 30 African countries are host to about 40 consumer organizations. This remarkable growth reflects both the influence of the Guidelines and the democratic reforms, structural adjustment programmes and market liberalization policies being adopted by a growing number of Governments. While a number of Governments - such as those of Ghana, Mali, Nigeria, South Africa and Zimbabwe - have recently taken measures, consumer protection legislation is still very weak in the majority of African countries.

39. The Economic Commission for Africa (ECA) has focused its work in such areas as the harmonization of standards and quality control, and the development of storage facilities and distribution channels within domestic and intra-African trade. It organized a symposium in July 1994 on the role of non-governmental organizations in the implementation of the New Agenda for the Development of Africa which focused, inter alia, on the promotion of consumer organizations in the region. At the symposium, the importance of the consumer movement to the development and democratization process in Africa was recognized and the convening of a regional conference on consumer protection was recommended.

40. A regional conference was held in Harare in 1994 by Consumers International for more than 100 consumer representatives from 20 countries. Given that consumer protection laws in most African countries are still inadequate and sometimes lack specified enforcement mechanisms, work in the region focuses on providing support for consumer legislation campaigns and on consumer education. In recent years, three workshops have been held on the use of the Guidelines in Dakar, Harare and Cotonou, and currently a model law for Africa is being developed, based on the Guidelines.

41. The United Nations has received requests from a number of Governments in Africa for a regional seminar. Such a seminar would help Governments become more familiar with work already under way in other regions and provide the scope for development of appropriate measures in support of national populations. The seminar would also allow for an exchange of information on experiences at the country level and would facilitate common efforts in the future, for example, in the use of joint testing facilities. The Department for Policy Coordination and Sustainable Development is planning to organize the seminar later this year, should adequate extrabudgetary financing be obtained from interested donors.

C. System-wide implementation of the Guidelines

42. Organizations of the United Nations system were sent a copy of the questionnaire sent to Governments and were requested to provide information on programmes and projects that were targeted to assisting Governments in implementing the Guidelines. The responses indicate that in recent years, there has been a significant increase in interest and activity relating to the Guidelines, stemming from the focused attention given to consumer protection through implementation of Economic and Social Council resolutions 1988/61 and 1990/85 and from heightened international scrutiny of the environment and related safety and quality issues. These activities are likely to gain increased impetus in coming years, particularly through the implementation of Agenda 21.

43. It should be noted in this connection that the Guidelines call for Governments to give priority to areas of essential concern for the health of the consumer - namely, food, water, pharmaceuticals, pesticides and chemicals. Since those areas touch on environmental policy as well, they are also under examination by the Commission for Sustainable Development. With regard to the consumer, the Guidelines state that government policies should be adopted or maintained for product-quality control, adequate and secure distribution facilities and standardized international labelling and information, and for education and research programmes, including those in the area of the environment.

44. The responses received from many organizations of the United Nations system indicate that most of their activities, while clearly related to assisting Governments in implementing the Guidelines, also predate their adoption, in 1985. For example, the Food and Agriculture Organization of the United Nations (FAO) has been implementing projects and programmes in the area of food safety and standards for many years. Specifically, it provides advice and technical assistance in food-quality control at the national level, inter alia, through the training of technical personnel.

45. The joint FAO/World Health Organization (WHO) Codex Alimentarius Commission, comprising 151 member countries, formulates international standards and codes of practice on a wide range of food commodities and makes recommendations on issues related to food safety, including pesticide residues in food, additives and contaminants. The Codex Alimentarius also elaborates codes of practice as guidelines for Governments and promotes the adoption of open-date marking and ingredient labelling.

46. FAO is also ensuring that the subject of consumer protection is given due consideration in international forums. The Joint FAO/WHO International Conference on Nutrition, which was held in December 1992 in Rome, included as one of its major themes the subject of "Protecting the consumer through improved food quality and safety". The Conference made specific recommendations to member Governments and to the sponsoring organizations on this subject.

47. Furthermore, FAO is encouraging consumer participation in decision-making on all matters related to food quality and safety. An FAO Expert Consultation on Integration of Consumer Interest in Food Control was held in Rome in 1993,

with the participation of representatives of international, regional and national consumer organizations. The Expert Consultation identified barriers to consumer involvement and addressed ways to increase consumer knowledge and understanding of food quality, food control and techniques for the safe handling, preparation and serving of foods. Recommendations emanating from the Consultation included providing consumers with greater access to developing and implementing food control policy and programmes at national, regional and international levels.

48. These activities are complemented by those of the United Nations Educational, Scientific and Cultural Organization (UNESCO), which offers assistance in the areas of teacher training and curriculum development for food safety. These efforts are targeted at the nutritional health and well-being of consumer groups, especially children and mothers, to prevent food-borne infections and contamination of foods.

49. The WHO Food and Safety Programme is geared towards the protection of consumers from unsafe or potentially unsafe foods. WHO collaborates with Governments of developing countries in developing and revising food legislation and in strengthening measures to enforce food laws and regulations. It also has projects on the integration of food safety into health educational programmes.

50. The WHO/United Nations Children's Fund (UNICEF) International Code of Marketing of Breast-milk Substitutes, adopted in 1981, is aimed at the protection of a vulnerable group of consumers - that is, infants and young children. It encourages high levels of ethical conduct for enterprises that produce and distribute breast-milk substitutes. In the years following, more than 150 countries took action to put the Code into effect.

51. The Department for Policy Coordination and Sustainable Development collaborates with WHO and the United Nations Environment Programme/International Register of Potentially Toxic Chemicals (UNEP/IRPTC) in the publication of the Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or not Approved by Governments. The purpose of the List is to consolidate all information on products harmful to health and the environment, based on the work of relevant intergovernmental organizations that include, in addition to WHO and UNEP, the General Agreement on Tariffs and Trade/World Trade Organization (GATT/WTO), FAO and the International Labour Organisation (ILO). The current issue (fifth edition) of the List, 1/ published in 1994, contains information on restrictive regulatory measures taken by 93 countries on some 700 pharmaceuticals, agricultural and industrial chemicals and consumer products. The List is widely used by Governments and non-governmental organizations in considering the scope for regulatory measures at the national level. Pursuant to resolutions of the General Assembly, the List is reviewed every three years with a view to determining its continued usefulness. A detailed review of the work of the United Nations system in the area of protection against products harmful to health and the environment is contained in a report of the Secretary-General on this subject to the General Assembly at its fiftieth session.

52. UNEP and FAO are collaborating in the implementation of a programme on prior informed consent with respect to agricultural, industrial and consumer

chemicals. Accordingly, an international shipment of a chemical or pesticide that is banned or severely restricted or is known to be causing health or environmental problems will not proceed without the explicit agreement of the designated national authority in the importing country. Any decision banning or severely restricting the import of a chemical must also apply equally to production for domestic use. To aid importing countries, decision guidance documents, which include environmental and toxicological data, are provided, together with or shortly after the notifications of control actions. Countries may also, at their request, receive further information and technical assistance necessary for them to take the appropriate decisions. At present, 127 countries participate in the procedure. Negotiations are now under way with a view to making the procedure legally binding through the development of a convention.

53. The UNEP Code of Ethics on the International Trade in Chemicals was developed to encourage high levels of ethical conduct for private-sector parties engaged in the production and management of chemicals, by setting out principles governing standards for the environmentally sound management of chemicals in international trade. UNEP has identified the important role of consumer groups in monitoring activities of industry in complying with the Code.

54. WHO administers the Certification Scheme on the Quality of Pharmaceutical Products Moving in International Commerce, based on a set of standards for good practice in the manufacture and quality control of drugs, adopted in 1969 by the World Health Assembly. The Certification Scheme is an administrative instrument that requires each participating member State, upon application by a commercially interested party, to attest to the competent authority of another participating member State whether a specific product is authorized to be placed on the market within its jurisdiction; whether the plant in which it is produced conforms to good manufacturing practices; and whether all submitted product information, including labelling, is currently authorized in the certifying country.

55. The United Nations International Drug Control Programme (UNDCP) has a number of programmes of legal assistance which are designed to help countries to establish regulatory systems for the control of narcotic drugs and psychotropic substances. While the focus of such systems is to prevent the diversion of such drugs from the licit to the illicit market, which has important advantages for consumer safety in itself, UNDCP considers that such systems will in many cases be capable of being extended by interested Governments to cover the areas set out in paragraph 41 of the Guidelines ("pharmaceuticals"). UNDCP proposes, in this connection, an added sentence to paragraph 41, as follows:

> "Pharmaceuticals containing narcotic drugs or psychotropic substances should be subjected to all the regulatory control required by the international drug conventions and related resolutions of the Economic and Social Council."

56. WHO, together with UNEP and the International Labour Organisation (ILO), administers the International Programme on Chemical Safety. The objective of the Programme is to develop a globally harmonized hazard classification and compatible labelling system, including material safety data sheets and easily understandable symbols. The system, which is meant to be multidisciplinary,

requires an international framework to translate the result of the technical work into an instrument that would be legally applicable at the national level.

57. Twenty different organizations of the United Nations system are active in specific areas of water resources development and management. The promotion of cooperation and coordination with respect to the activities of the system is carried out through the Subcommittee on Water Resources of the Administrative Committee on Coordination (ACC). These efforts are supplemented through an Inter-agency Steering Committee. In a broader context, the Collaborative Council for Water Supply and Sanitation provides a forum for multilateral and bilateral external support agencies, including the organizations of the United Nations system, non-governmental organizations, professional associations, and developing countries.

58. The Mar del Plata Action Plan 2/ adopted at the 1977 United Nations Water Conference, established the basic framework for action at the national and international levels. More recently, chapter 18 of Agenda 21, adopted at the United Nations Conference on Environment and Development in 1992, sets forth objectives and recommendations with a view to ensuring the sustainable development of water resources.

59. The United Nations Conference on Trade and Development (UNCTAD) carries out activities for the promotion and protection of the economic interests of consumers. In 1980 the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices was adopted by the General Assembly in resolution 35/63. UNCTAD has also prepared a Model Law on Restrictive Business Practices, which contains a provision on consumer protection. The issue of whether competition and consumer protection laws and the machinery for enforcement should be combined or not has been the subject of lengthy discussions at the Intergovernmental Group of Experts on Restrictive Business Practices. Moreover, in its technical assistance efforts aimed at implementing the rules on restrictive business practices, the UNCTAD secretariat has indicated to national officials the benefits of competition policy for the economic interests of consumers, drawing the attention of Governments to the Guidelines. In some countries, the UNCTAD secretariat has provided advisory services on both competition legislation and consumer protection legislation. It also participated actively in the preparation and holding of the Conference on Competition Policy in the Context of Liberalization. The Conference was organized by the Consumer Unity Trust Society of India, in cooperation with Consumers International, and was held in New Delhi from 20 to 21 January 1995. UNCTAD contributes towards the promotion and protection of consumers' economic interests through its extensive technical cooperation activities in developing and other countries aimed at assisting Governments in adopting competition legislation, advising them in the drafting of legislation, and training officials responsible for the effective implementation of competition legislation.

60. ILO has projects for the establishment of networks of consumer retail societies and wholesale societies through which basic consumer goods of good quality are made available to the general public at minimum cost. It also undertakes projects promoting small-scale cottage industries that use production

and packaging techniques drawing on available raw materials that satisfy local consumer preferences.

61. ILO is also active in the area of standard setting. Its Occupational Safety and Health Convention, Guarding of Machinery Convention, Benzene Convention, Occupational Cancer Convention, Asbestos Convention, Convention Concerning the Prevention of Major Industrial Accidents and Convention Concerning Safety in the Use of Chemicals at Work are all concerned with the safety of the consumer at the workplace.

62. During the decade since the adoption of the Guidelines, UNDP has supported 34 projects at a total of $17 million in the area of consumer protection, covering consumer cooperatives, credit schemes and training and advisory services in the fields of standard setting, quality control and marketing. It funded a project in Chile to support public policy related to consumer rights and a project in the Arab States region on women as consumers, and has contributed towards regional seminars in Latin America and the Caribbean and in Asia and the Pacific. With respect to measures relating to specific areas, UNDP has provided financing for an array of projects in the areas of food and water security, including improved transport, storage facilities, control of contamination and enforcement of higher standards.

63. ILO and UNDP are jointly carrying out a six-year programme on local economic development in Central and Eastern Europe, the Baltic States and the Commonwealth of Independent States. The development of the effectiveness of consumer organizations in these regions constitutes an integral component of the local economic development project. Consumers International was commissioned under the programme to undertake an assessment of the regulatory frameworks for consumer protection and their effective enforcement in the Czech Republic, Slovak Republic, Poland, Russian Federation, Ukraine and Belarus, based upon the objectives cited in the Guidelines for Consumer Protection.

64. The World Intellectual Property Organization (WIPO) is concerned with the protection of consumers in the area of industrial property, particularly with respect to laws on trade marks, trade names and competition. WIPO has worked to set norms, establish model laws and assist developing countries in creating or updating intellectual property systems.

65. The International Civil Aviation Organization (ICAO) plays a major role in the development of universal standards and recommended practices for civil aviation. It assists Governments in developing legislation and policies to protect consumers in the area of air transport, inter alia, in connection with such subjects as fare guarantees, baggage and denied boarding. ICAO has developed a Code of Conduct for the Regulation and Operation of Computer Reservation Systems. While directly aimed primarily at States, suppliers and subscribers to computer reservation systems, the Code has one of its underlying motivations the interests of consumers and is currently under review with a view to making any necessary changes towards possible evolution into a more formal international arrangement. ICAO's policies on the taxation of international air transport are also designed to assist countries in achieving adequate protection for their population as consumers.

66. The World Tourism Organization (WTO), which in 1977 entered into an agreement on cooperation with the United Nations, is concerned with the consumer of goods and services during travel, in places of touristic interest and at tourist facilities. At present, its activities include the analysis of information from Governments on security and protection measures and the preparation of standards for means of transport and accommodations used by the handicapped. Its General Assembly has adopted resolutions on health protection for consumers of travel services (1993) and on tourism opportunities for the handicapped (1991). WTO is also undertaking a programme on quality in tourism services and will shortly complete a report on the legal aspects of consumer protection for tourism. It considers that its forthcoming report may provide the basis for formulating targeted guidelines in that area.

D. Activities of non-governmental organizations

67. A stated objective of the Guidelines is to facilitate the development of independent consumer groups which should have the freedom to present their views in decision-making processes affecting them. The Guidelines state that consumer organizations should be encouraged to monitor adverse practices, such as the adulteration of foods, false or misleading claims in marketing and service frauds. Business and consumer groups should also be encouraged by Governments to formulate codes of marketing and other business practices to ensure adequate consumer protection. Consumer groups have a role to play as well in undertaking education and information programmes, particularly for low-income populations.

68. Promoting the growth of a strong consumer movement and increasing protection for people in their role as consumers are central aims of Consumers International's work. To this end, it assists newly formed consumer groups in developing countries. Consumers International's independence is guaranteed by strict membership rules - organizations that join must be non-profit-making and non-commercial and must operate exclusively in the consumer's interest.

69. Consumers International is in category I consultative status with the Economic and Social Council. As indicated above, Consumers International has cooperated with the Department for Policy Coordination and Sustainable Development of the United Nations Secretariat in efforts to promote the implementation of the Guidelines. It is also involved in various initiatives of UNDP, UNICEF, UNCTAD, UNESCO, WHO, FAO, UNEP, ESCAP, ECE and ECLAC. In 1986, Consumers International was admitted into official relations with WHO, with which it collaborates in various programmes, either directly or in association with specialized international networks of non-governmental organizations. These programmes concern, inter alia, implementation of the International Code of Marketing of Breast-milk Substitutes, combating smoking, promotion of the concept of essential drugs and of ethical marketing of drugs, and ensuring food safety. It is also actively involved with the International Programme on Chemical Safety and with the Codex Alimentarius Commission, at the Commission itself and at regional and special subject committees. Since 1991, Consumers International's regional office for Latin America and the Caribbean has a formal partnership agreement with UNESCO to introduce consumer education in Latin American schools. In the area of technical standards, Consumers International has liaison status on 11 committees of the International Organization for

Standardization (ISO) and the International Electrotechnical Commission and observer status on the Consumer Policy Committee of ISO. Consumers International also has consultative status with the Council of Europe, OECD and other intergovernmental bodies.

70. The International Organization for Standardization (ISO), a federation of national standards bodies from some 90 countries, is also in category I consultative status with the Economic and Social Council. The main contributions of ISO to the Economic and Social Council are through the regional commissions, the United Nations Centre for Human Settlements (Habitat), UNCTAD and UNEP. In addition, ISO actively collaborates with the United Nations Industrial Development Organization (UNIDO), FAO, GATT, the International Atomic Energy Agency (IAEA), ICAO, ILO, the International Maritime Organization (IMO), the International Telecommunication Union (ITU), the Universal Postal Union (UPU), UNESCO, WHO, WIPO and the World Meteorological Organization (WMO) and works in particularly close collaboration with the Codex Alimentarius Commission. ISO promotes the development of international standards in all fields except that of electrical and electronic engineering standards, which are the responsibility of the International Electrotechnical Commission (IEC). Together, ISO and IEC form the world's largest non-governmental system for voluntary industrial and technical collaboration at the international level. Some 450 international organizations are in liaison with ISO. By 1991 the work of ISO had resulted in nearly 8,000 international standards.

71. The ISO Council Committee on Consumer Policy (COPOLCO) conveys the requirements of consumers to ISO member bodies or technical bodies, where appropriate, in the form, inter alia, of resolutions, statements and guides, which are discussed and approved during meetings, for subsequent submission to the Council. COPOLCO also holds annual workshops for consumer representatives, public authorities, manufacturers and experts on such subjects as product safety, consumer information, packaging, energy saving, child safety and the advantages of world standards for consumers.

72. The International Cooperative Alliance (ICA), which is in category I consultative status with the Economic and Social Council, is composed of over 200 national and international cooperative movements from about 80 countries. ICA collaborates with UNDP, UNCTAD, the United Nations Capital Development Fund (UNCDF), the regional commissions, and ILO, FAO, UNESCO, UNIDO and the World Bank. ICA has a Consumer Committee, focusing on the development of consumer cooperatives. The Committee celebrates International Consumers Day every 15 March.

II. FUTURE SCOPE OF THE GUIDELINES

73. When the General Assembly adopted the Guidelines for Consumer Protection 10 years ago, it recognized that consumer protection could no longer be seen strictly in domestic terms. Yet Member Governments could not have anticipated the speed with which the world was changing. Environmental issues, the global debt crisis, the spread of financial services and the effect of advertising and the mass media on information available to consumers have had a profound effect on consumers. So has the rapid globalization of manufacturing, production and

distribution systems. As policy debates converge and the international marketplace becomes yet more globalized, tools such as the Guidelines, aimed at providing universally accepted norms, become ever more important.

74. In tandem with these developments, there has been growing recognition that consumer policy is essential to the effective workings of modern market economies. Indeed, what is good for the consumer is good for the economic profile of countries as well, leading to growth, competition and the expansion of world trade. Governments of both developing and developed countries have stressed the importance of the Guidelines for consumer protection as a framework within which they have elaborated and strengthened consumer policy. The moral force of this international consensus has given countries the impetus to introduce general laws and raise consumer policy to the constitutional level.

75. As had been noted in the previous report of the Secretary-General on consumer protection (E/1992/48), which had been prepared prior to the 1992 Earth Summit, there is a strong link between the production, consumption and disposal of goods and services and a sustainable environment. In recognition of the significant role consumer behaviour plays in either exacerbating or alleviating environmental problems, the traditional consumer concern for "value for price" has broadened to encompass responsibility for the environment.

76. In order to make the appropriate choices, however, consumers need accurate information on the environmental impact of the goods and services they purchase. At present, some 30 countries, concentrated in the developed world, have elaborated eco-labelling schemes. This has raised a number of concerns in developing countries over production, trade and environmental effects. There is need for increased transparency, the use of scientific data, consideration of the specific environmental conditions of producer countries, transfer of environmentally sound technology, accurate and systematic life-cycle analysis, and participation of foreign producers in the development of the schemes.

77. The reliability and adequacy of information is not the only problem for consumers. They also have to contend with a variety of "green" claims, which may often be false or misleading.

78. In the decade since the Guidelines were adopted, the issue of environmentally sustainable consumption has taken a leap forward by the adoption of Agenda 21 and, specifically, by means of the objectives set out in its chapter 4 on changing consumption patterns. At its recently concluded third session, held in New York in April 1995, the Commission on Sustainable Development had before it a report of the Secretary-General on changing consumption patterns (E/CN.17/1995/13). It subsequently adopted a work programme which called for, inter alia, the expansion of the Guidelines to include guidelines for sustainable consumption patterns. Such guidelines might cover schemes for the dissemination of properly researched information and advice on the environmental impact of consumer products, including eco-labelling and eco-profile schemes; the promotion of joint environmental testing; educational programmes on sustainable consumption; and standards on environmental claims.

79. The increased globalization of the world economy presents consumers with both new possibilities and new problems. As capital, goods and services move more rapidly across borders, new measures are required to keep consumers adequately informed and protected in areas including transborder data and information flows, cross-border sales of financial services, and food, products and advertising standards. Following the Uruguay Round agreement, domestic norms with respect to intellectual property, food and product standards must already be reconciled with international norms. In addition, where effective competitive policies and enforcement are lacking, the economic gains from increased national and international competition do not always translate into meaningful benefits for consumers, who may be faced with fewer choices at higher prices.

80. The Guidelines need not be viewed as a static document. Indeed, several Governments, in responding to the questionnaire, indicated that there should be a recognition of the role of codes of conduct and voluntary forms of regulation in solving consumer problems. While the Guidelines acknowledge a role for self-regulation, they do not set forth standards for how industry, consumers and Governments could work together to get the best results. Also needed is a recognition of the importance of national and international competition as a means of protecting the interests of consumers. It is suggested that a provision could be included under the "promotion and protection of consumer economic interests". Finally, a number of suggestions for amplifying the Guidelines has been made by the organizations of the United Nations system (see sect. II (c) above).

81. The United Nations Secretariat is prepared to continue to assist Governments in implementing the Guidelines and to study further areas where there is an expressed need to extend the Guidelines. It is anticipated, for example, that Guidelines for sustainable consumption patterns will be developed through the mechanism of the Commission on Sustainable Development. The Council might wish to consider whether it might not be useful, as well, to develop expanded guidelines in the area of services including financial services, and to elaborate codes of conduct in solving consumer protection disputes.

82. The demand for assistance by the United Nations system to help Governments implement the Guidelines is increasing. Requests for regional seminars, training and advisory services, and education and information programmes based on the Guidelines have been received from many Governments.

83. The United Nations Secretariat is prepared to organize regional seminars for Eastern Europe and Africa. It is planning to convene a regional seminar on consumer protection for Africa later this year, in cooperation with the European Commission and Consumers International. A similar exercise can take place for the economies in transition, should adequate financing be made available.

84. Since a decade has now passed since the adoption of the Guidelines, it is time to take stock. The Department for Policy Coordination and Sustainable Development plans to publish a survey of consumer protection world wide based on information from Governments (see the questionnaire in annex II).

85. There can be no doubt as to the moral force and normative impact the Guidelines have had, and continue to have, around the globe in improving the quality of life of consumers in an increasingly interdependent world. Member Governments may wish to view the tenth anniversary as an opportunity for the revision and refinement of the Guidelines, and as a stimulus for increased international cooperation in consumer protection.

Notes

1/ United Nations publication, Sales No. E.91.IV.4.

2/ Report of the United Nations Water Conference, Mar del Plata, 14-25 March 1977 (United Nations publication, Sales No. E.77.II.A.12), chap. I.

Annex I

GUIDELINES FOR CONSUMER PROTECTION a/

I. OBJECTIVES

1. Taking into account the interests and needs of consumers in all countries, particularly those in developing countries; recognizing that consumers often face imbalances in economic terms, educational levels, and bargaining power; and bearing in mind that consumers should have the right of access to non-hazardous products, as well as the importance of promoting just, equitable and sustainable economic and social development, these guidelines for consumer protection have the following objectives:

(a) To assist countries in achieving or maintaining adequate protection for their population as consumers;

(b) To facilitate production and distribution patterns responsive to the needs and desires of consumers;

(c) To encourage high levels of ethical conduct for those engaged in the production and distribution of goods and services to consumers;

(d) To assist countries in curbing abusive business practices by all enterprises at the national and international levels which adversely affect consumers;

(e) To facilitate the development of independent consumer groups;

(f) To further international cooperation in the field of consumer protection;

(g) To encourage the development of market conditions which provide consumers with greater choice at lower prices.

II. GENERAL PRINCIPLES

2. Governments should develop, strengthen or maintain a strong consumer protection policy, taking into account the guidelines set out below. In so doing, each Government must set its own priorities for the protection of consumers in accordance with the economic and social circumstances of the country, and the needs of its population, and bearing in mind the costs and benefits of proposed measures.

3. The legitimate needs which the guidelines are intended to meet are the following:

(a) The protection of consumers from hazards to their health and safety;

(b) The promotion and protection of the economic interests of consumers;

(c) Access of consumers to adequate information to enable them to make informed choices according to individual wishes and needs;

(d) Consumer education;

(e) Availability of effective consumer redress;

(f) Freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision-making processes affecting them.

4. Governments should provide or maintain adequate infrastructure to develop, implement and monitor consumer protection policies. Special care should be taken to ensure that measures for consumer protection are implemented for the benefit of all sectors of the population, particularly the rural population.

5. All enterprises should obey the relevant laws and regulations of the countries in which they do business. They should also conform to the appropriate provisions of international standards for consumer protection to which the competent authorities of the country in question have agreed. (Hereinafter references to international standards in the guidelines should be viewed in the context of this paragraph.)

6. The potential positive role of universities and public and private enterprises in research should be considered when developing consumer protection policies.

III. GUIDELINES

7. The following guidelines should apply both to home-produced goods and services and to imports.

8. In applying any procedures or regulations for consumer protection, due regard should be given to ensuring that they do not become barriers to international trade and that they are consistent with international trade obligations.

A. Physical safety

9. Governments should adopt or encourage the adoption of appropriate measures, including legal systems, safety regulations, national or international standards, voluntary standards and the maintenance of safety records to ensure that products are safe for either intended or normally foreseeable use.

10. Appropriate policies should ensure that goods produced by manufacturers are safe for either intended or normally foreseeable use. Those responsible for bringing foods to the market, in particular suppliers, exporters, importers, retailers and the like (hereinafter referred to as "distributors"), should ensure that while in their care these goods are not rendered unsafe through improper handling or storage and that while in their care they do not become

hazardous through improper handling or storage. Consumers should be instructed in the proper use of goods and should be informed of the risks involved in intended or normally foreseeable use. Vital safety information should be conveyed to consumers by internationally understandable symbols wherever possible.

11. Appropriate policies should ensure that if manufacturers or distributors become aware of unforeseen hazards after products are placed on the market, they should notify the relevant authorities and, as appropriate, the public without delay. Governments should also consider ways of ensuring that consumers are properly informed of such hazards.

12. Governments should, where appropriate, adopt policies under which, if a product is found to be seriously defective and/or to constitute a substantial and severe hazard even when properly used, manufacturers and/or distributors should recall it and replace or modify it, or substitute another product for it; if it is not possible to do so within a reasonable period of time, the consumer should be adequately compensated.

B. Promotion and protection of consumers' economic interests

13. Government policies should seek to enable consumers to obtain optimum benefit from their economic resources. They should also seek to achieve the goals of satisfactory production and performance standards, adequate distribution methods, fair business practices, informative marketing and effective protection against practices which could adversely affect the economic interests of consumers and the exercise of choice in the market-place.

14. Governments should intensify their efforts to prevent practices which are damaging to the economic interests of consumers through ensuring that manufacturers, distributors and others involved in the provision of goods and services adhere to established laws and mandatory standards. Consumer organizations should be encouraged to monitor adverse practices, such as the adulteration of foods, false or misleading claims in marketing and service frauds.

15. Governments should develop, strengthen and maintain, as the case may be, measures relating to the control of restrictive and other abusive business practices which may be harmful to consumers, including means for the enforcement of such measures. In this connection, Governments should be guided by their commitment to the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices adopted by the General Assembly in resolution 35/63 of 5 December 1980.

16. Governments should adopt or maintain policies that make clear the responsibility of the producer to ensure that goods meet reasonable demands of durability, utility and reliability, and are suited to the purpose for which they are intended, and that the seller should see that these requirements are met. Similar policies should apply to the provision of services.

17. Governments should encourage fair and effective competition in order to provide consumers with the greatest range of choice among products and services at the lowest cost.

18. Governments should, where appropriate, see to it that manufacturers and/or retailers ensure adequate availability of reliable after-sales service and spare parts.

19. Consumers should be protected from such contractual abuses as one-sided standard contracts, exclusion of essential rights in contracts, and unconscionable conditions of credit by sellers.

20. Promotional marketing and sales practices should be guided by the principle of fair treatment of consumers and should meet legal requirements. This requires the provision of the information necessary to enable consumers to take informed and independent decisions, as well as measures to ensure that the information provided is accurate.

21. Governments should encourage all concerned to participate in the free flow of accurate information on all aspects of consumer products.

22. Governments should, within their own national context, encourage the formulation and implementation by business, in cooperation with consumer organizations, of codes of marketing and other business practices to ensure adequate consumer protection. Voluntary agreements may also be established jointly by business, consumer organizations and other interested parties. These codes should receive adequate publicity.

23. Governments should regularly review legislation pertaining to weights and measures and assess the adequacy of the machinery for its enforcement.

C. Standards for the safety and quality of consumer goods and services

24. Governments should, as appropriate, formulate or promote the elaboration and implementation of standards, voluntary and other, at the national and international levels for the safety and quality of goods and services and give them appropriate publicity. National standards and regulations for product safety and quality should be reviewed from time to time, in order to ensure that they conform, where possible, to generally accepted international standards.

25. Where a standard lower than the generally accepted international standard is being applied because of local economic conditions, every effort should be made to raise that standard as soon as possible.

26. Governments should encourage and ensure the availability of facilities to test and certify the safety, quality and performance of essential consumer goods and services.

D. Distribution facilities for essential consumer goods and services

27. Governments should, where appropriate, consider:

(a) Adopting or maintaining policies to ensure the efficient distribution of goods and services to consumers; where appropriate, specific policies should be considered to ensure the distribution of essential goods and services where this distribution is endangered, as could be the case particularly in rural areas. Such policies could include assistance for the creation of adequate storage and retail facilities in rural centres, incentives for consumer self-help and better control of the conditions under which essential goods and services are provided in rural areas;

(b) Encouraging the establishment of consumer cooperatives and related trading activities, as well as information about them especially in rural areas.

E. Measures enabling consumers to obtain redress

28. Governments should establish or maintain legal and/or administrative measures to enable consumers or, as appropriate, relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. Such procedures should take particular account of the needs of low-income consumers.

29. Governments should encourage all enterprises to resolve consumer disputes in a fair, expeditious and informal manner, and to establish voluntary mechanisms, including advisory services and informal complaints procedures, which can provide assistance to consumers.

30. Information on available redress and other dispute-resolving procedures should be made available to consumers.

F. Education and information programmes

31. Governments should develop or encourage the development of general consumer education and information programmes, bearing in mind the cultural traditions of the people concerned. The aim of such programmes should be to enable people to act as discriminating consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities. In developing such programmes, special attention should be given to the needs of disadvantaged consumers, in both rural and urban areas, including low-income consumers and those with low or non-existent literacy levels.

32. Consumer education should, where appropriate, become an integral part of the basic curriculum of the education system, preferably as a component of existing subjects.

33. Consumer education and information programmes should cover such important aspects of consumer protection as the following:

(a) Health, nutrition, prevention of food-borne diseases and food adulteration;

(b) Product hazards;

(c) Product labelling;

(d) Relevant legislation, how to obtain redress, and agencies and organizations for consumer protection;

(e) Information on weights and measures, prices, quality, credit conditions and availability of basic necessities; and

(f) As appropriate, pollution and environment.

34. Governments should encourage consumer organizations and other interested groups, including the media, to undertake education and information programmes, particularly for the benefit of low-income consumer groups in rural and urban areas.

35. Business should, where appropriate, undertake or participate in factual and relevant consumer education and information programmes.

36. Bearing in mind the need to reach rural consumers and illiterate consumers, Governments should, as appropriate, develop or encourage the development of consumer information programmes in the mass media.

37. Governments should organize or encourage training programmes for educators, mass media professional and consumer advisers, to enable them to participate in carrying out consumer information and education programmes.

G. Measures relating to specific areas

38. In advancing consumer interests, particularly in developing countries, Governments should, where appropriate, give priority to areas of essential concern for the health of the consumer, such as food, water and pharmaceuticals. Policies should be adopted or maintained for product quality control, adequate and secure distribution facilities, standardized international labelling and information, as well as education and research programmes in these areas. Government guidelines in regard to specific areas should be developed in the context of the provisions of this document.

39. Food. When formulating national policies and plans with regard to food, Governments should take into account the need of all consumers for food security and should support and, as far as possible, adopt standards from the Food and Agriculture Organization of the United Nations and the World Health Organization Codex Alimentarius or, in their absence, other generally accepted international food standards. Governments should maintain, develop or improve food safety measures, including, inter alia, safety criteria, food standards and dietary requirements and effective monitoring, inspection and evaluation mechanisms.

40. Water. Governments should, within the goals and targets set for the International Drinking Water Supply and Sanitation Decade, formulate, maintain or strengthen national policies to improve the supply, distribution and quality of water for drinking. Due regard should be paid to the choice of appropriate levels of service, quality and technology, the need for education programmes and the importance of community participation.

41. Pharmaceuticals. Governments should develop or maintain adequate standards, provisions and appropriate regulatory systems for ensuring the quality and appropriate use of pharmaceuticals through integrated national drug policies which could address, inter alia, procurement, distribution, production, licensing arrangements, registration systems and the availability of reliable information about pharmaceuticals. In so doing, Governments should take special account of the work and recommendations of the World Health Organization on pharmaceuticals. For relevant products, the use of that organization's Certification Scheme on the Quality of Pharmaceutical Produ[redacted]Moving in International Commerce and other international information systems on pharmaceuticals should be encouraged. Measures should also be taken, as appropriate, to promote the use of international non-proprietary names (INNs) for drugs, drawing on the work done by the World Health Organization.

42. In addition to the priority areas indicated above, Governments should adopt appropriate measures in other areas, such as pesticides and chemicals, in regard, where relevant, to their use, production and storage, taking into account such relevant health and environmental information as Governments may require producers to provide and include in the labelling of products.

IV. INTERNATIONAL COOPERATION

43. Governments should, especially in a regional or subregional context:

(a) Develop, review, maintain or strengthen as appropriate, mechanisms for the exchange of information on national policies and measures in the field of consumer protection;

(b) Cooperate or encourage cooperation in the implementation of consumer protection policies to achieve greater results within existing resources. Examples of such cooperation could be collaboration in the setting up or joint use of testing facilities, common testing procedures, exchange of consumer information and education programmes, joint training programmes and joint elaboration of regulations;

(c) Cooperate to improve the conditions under which essential goods are offered to consumers, giving due regard to both price and quality. Such cooperation could include joint procurement of essential goods, exchange of information on different procurement possibilities and agreements on regional product specifications.

44. Governments should develop or strengthen information links regarding products which have been banned, withdrawn or severely restricted in order to

enable other importing countries to protect themselves adequately against the harmful effects of such products.

45. Governments should work to ensure that the quality of the products and information relating to such products does not vary from country to country in a way that would have detrimental effects on consumers.

46. Governments should work to ensure that policies and measures for consumer protection are implemented with due regard to their not becoming barriers to international trade, and that they are consistent with international trade obligations.

Notes

a/ General Assembly resolution 39/248, annex.

Annex II

QUESTIONNAIRE

This questionnaire is designed to assist the Secretary-General in completing a report to the Economic and Social Council surveying developments in consumer protection policy in member countries since 1985 and, more specifically, on steps taken to implement Economic and Social Council resolution 1990/85. This resolution urged all Governments to continue their efforts to implement the Guidelines for Consumer Protection, adopted by the General Assembly in 1985, and to collaborate as appropriate in joint efforts for the protection of consumers. Copies of the Guidelines and of resolution 1990/85 are attached.

A. Use and knowledge of the Guidelines since 1985

Awareness

1. To what extent are government officials concerned with consumer policy aware of the Guidelines? Please describe steps taken to make the existence and contents of the Guidelines more widely known among government officials, business, consumer organizations and the general public. Alternatively, please indicate whether, to date, there has been no knowledge of the Guidelines.

Experiences

2. Please describe any experiences in your country (both by government agencies and NGOs) in utilizing the Guidelines in the development of consumer policy (e.g., as a catalyst for action or as a statement of principles against which policies can be evaluated). Please indicate if there has been no use of the Guidelines in your country.

Regional cooperation

3. Please describe any examples of existing or planned regional or subregional cooperation in the field of consumer policy, such as exchange of information, developing product safety standards and testing procedures, and participation in international forums which affect consumers (including trade and the environment). Please indicate which international/regional/subregional forums you participate in. (Examples of other types of activities are given in section IV of the Guidelines.) What has the outcome been?

Recommendations

4. Do you have any recommendations as to future international activities designed to assist Governments in protecting their consumers? What are the specific needs of your country, if any, for assistance?

Infrastructure development and strengthening

5. Please outline recent developments in your country in relation to the infrastructure for the development, implementation and monitoring of consumer protection policies (see section II of the Guidelines).

B. Consumer protection in your country and the Guidelines

6. Please outline the state of consumer protection in your country, both in terms of legislation and administrative policies. In relation to each answer, please:

(i) Describe and list (with dates and reference numbers if applicable) laws and policies relating to the subject-matter of each question;

(ii) Describe the government department that has responsibility for enforcing the law or policy in each area.

The reply to this question should be organized under the following headings (taken from section III of the Guidelines):

a. Physical safety (Guidelines, paras. 9-12). Please give particular attention to:

- the systems in force for inspecting and monitoring the quality of domestic and imported food and products;
- the systems/laws that provide for the setting and monitoring of product and food safety standards;
- the systems/laws that provide that products must be safe for consumers intended or normally intended use;
- the systems/laws that ensure the effective withdrawal (recall) of food and products found to be hazardous (including mandatory/ voluntary recalls, banning of products and the use of guidelines/codes of practice concerning recalls).

b. Promotion and protection of consumers' economic interests (Guidelines, paras. 13-23). Please give particular attention to policies concerning:

- the encouragement of fair and effective competition (please detail basic elements of the law and practice in this area);
- systems/laws which control abusive business practices (such as price fixing/one-sided contract terms);
- the regulation of advertising, labelling and other marketing practices;

- systems/laws which regulate the weights and measures of food and products.

c. Distribution facilities for essential consumer goods and services (Guidelines, para. 27). Policies adopted in relation to rural areas are especially relevant here. For example, are basic services (water, gas etc.) made available to rural and urban consumers at the same price?

d. Measures enabling consumers to obtain redress (Guidelines, paras. 28-30). This includes both compulsory measures, such as small claims courts, and voluntary schemes, such as industry- or consumer-sponsored conciliation or arbitration processes; mechanisms for group or representative actions are also relevant.

e. Education and information programmes (Guidelines, paras. 3 (f) and 31-37). Please give particular attention to:

- Are there government-sponsored programmes in this area? Please give thought to the distinction between programmes for schools and those for the general community; the needs of disadvantaged consumers; the roles of business, the media and consumer organizations.

- Does your Government support and encourage consumer organizations? If so, please give examples.

- Outline the mechanisms and roles allowing consumer representation in decision-making or advisory bodies (e.g. basic service user groups and national or international trade and economics advisory committees). Has your Government provided financial assistance or other support for consumer groups to participate in the deliberations of these bodies?

f. Measures relating to specific areas (Guidelines, paras. 38-42). This is the appropriate place to deal with special areas such as food, water, pharmaceuticals, pesticides and chemicals.

C. Other developments

7. Are there consumer policy developments in your country which do not readily fit within the previous questions? If so, please outline them here.

D. The future

8. Please describe any alterations, amendments, additions or improvements you would like to see made to the Guidelines and their coverage. Please outline why you would like to see such changes.

Thank you for your cooperation. This questionnaire should be returned to Mr. Sarbuland Khan, Chief, Policy Coordination and Inter-agency Affairs Branch/DPCEA/DPCSD, Room DC2-2220, United Nations, NY, NY 10017, USA (fax 1-212-963-1712) by 31 January 1995 to allow for the information to be included in the report of the Secretary-General to the Economic and Social Council at its 1995 session.